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July 2, 2008

Via Facsimile

Hon. Laura T. Swain
United States District Judge
United State District Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: Maccharulo v. Gould, et al., 08-CV-301 (LTS)(THK)

Dear Judge Swain:

I am an Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York, counsel for defendants. I apologize to the Court for moving to dismiss this matter without first seeking to informally resolve the matter with opposing counsel, in contravention of the Court's individual practices. At this time, I write to inform the Court that the parties have attempted through telephone conversations to informally resolve the matter to no avail, and defendants seek at this time to re-submit our Motion to Dismiss this matter pursuant to Fed. R. Civ. P. 12(b)(1) and (6). Plaintiff's counsel has requested permission from this Court for a time of four weeks to respond to the motion and defendants request two weeks to reply to plaintiff's opposition papers, thus requiring the papers to be served and filed respectively by August 1, and August 15, 2008.

In light of the potentially dispositive motion that is before this Court, both parties request that discovery be stayed until the motion is decided and further that the pre-trial conference scheduled for July 25, 2008 at 11:30 a.m. be adjourned until after the motion is decided. It is our belief that once the Motion to Dismiss is decided, the numerous and complicated pre-trial matters such as experts, discovery, and potential settlements as they pertain to the over thirty defendants

named in this case, will be greatly simplified and made far more efficient for both parties and the Court.

I thank the Court for its consideration in this matter.

Respectfully submitted,

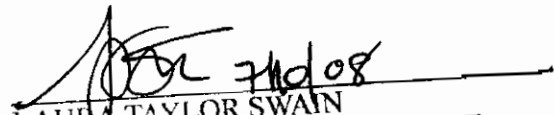


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*The reinstatement, briefing schedule
and conference adjournment
requests are granted.*

SO ORDERED.



LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE